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## COMMUNITY BOARD No. 2, MANHATTAN

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### FULL BOARD MINUTES

**DATE:** February 19, 2009  
**TIME:** 6:00 P.M.  
**PLACE:** SEIU 32BJ, 101 Avenue of Americas, 22<sup>nd</sup> Floor Pre-Conference Room

**BOARD MEMBERS PRESENT:** Steve Ashkinazy, Keen Berger, Tobi Bergman, Makrand Bhoot, Carter Booth, Lisa Cannistracci, Maria Passannante Derr, Doris Diether, Sheelah Feinberg, Amanda Kahn Fried, Elizabeth Gilmore, Edward Gold, Jo Hamilton, Anne Hearn, Brad Hoylman, Chair, Community Board #2, Manhattan (CB#2, Man.), Zella Jones, Renee Kaufman, Susan Kent, Arthur Kriemelman, Evan Lederman, Edward Ma, Ke-Wei Ma, Jane McCarthy, Lois Rakoff, David Reck, Robert Riccobono, Erin Roeder, Rocio Sanz, Wendy Schlazer, Arthur Z. Schwartz, Shirley Secunda, Shirley H. Smith, James Solomon, Richard Stewart, Elaine Young, Jin Ren Zhang

**BOARD MEMBERS EXCUSED:** Sigrid Burton, Ian Dutton, Harriet Fields, David Gruber, Raymond Lee, Jason Mansfield, Rosemary McGrath, Judy Paul, Sean Sweeney,

**BOARD MEMBERS ABSENT:** Mary Johnson, Annie Washburn, Carol Yankay,

**BOARD STAFF PRESENT:** Bob Gormley, District Manager, and Florence Arenas, Community Coordinator

**GUESTS:** Erin Drinkwater, Congressman Jerrold Nadler's office; Crystal Gold-Pond, Senator Tom Duane's office; Sen. Daniel Squadron, Mary Cooley, Sen. Daniel Squadron's office; Angelica Crane, Man. Borough President Scott Stringer's office; Matt Borden, Assembly Member Deborah Glick's office; John Ricker, NYC Comptroller's office; Grey Elam, Council Speaker Christine Quinn's office; Paul Nagle, Council Member Alan Gerson's office; Kate Mikuliak, Council Member Rosie Mendez's office; Rebecca Rerguson, Dept. of Parks, Amanda Kerry, J. Minkoff, Gabriel Stuman, Chenault Spence, Elizabeth Adam, Patty LaRocco, Andrea Nicolay, Diana Donohue, Naomi Andrews, Sharad Khemani, Carol Patterson, Len Vogt, Kelly Burke, Elyse Inamine, Jacqueline Verdier, Fran Furman, Terri Cude, Danya Sherman, Alison Greenberg, Nancie Katz, Tamara Rivera, Timothee Verrecchia, Sharon Woolums, Eric Legome

### MEETING SUMMARY

Meeting Date February 19, 2009  
Board Members Present – 36  
Board Members Excused– 9  
Board Members Absent - 3

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## **II. PUBLIC SESSION**

### **Non-Agenda Items**

#### 2 Cooper Square

Tamara Rivera spoke regarding workers at construction sites receiving prevailing wages and health benefits and urged Board member to meet with developers to discuss.

#### NY Public Library

Andrea Nicolay, from the Mulberry St. branch, spoke regarding support for public libraries.

#### IFSA Course

Elizabeth Adam spoke regarding an IFSA course and an upcoming special event.

#### St. Vincent's Hospital

Carole Patterson spoke regarding St. Vincent's Trauma & Wellness Center.

Eric Legome spoke regarding the renovations.

#### The Highline

Danya Sherman spoke regarding the progress of the Highline.

#### SAGE Program

Lisa Cannistraci spoke regarding the recruitment of volunteers to work with gay seniors.

### **Parks, Recreation & Open Space**

#### Phase 2 Proposal Regarding the Stage, Seating Alcoves, and Mounds for Washington Sq. Park

Sharon Woolums spoke against the resolution.

## **SLA Licensing Items**

Corp to be formed, 49 Bond St., (Lafayette and Bowery), NYC

Diana Donohue, Naomi Andrews, and Timothee Verrecchia spoke in favor of the proposed liquor license application.

## **Street Activity & Film Permits**

NYC Lab School Street Permit

Nancie Katz, the applicant, spoke regarding her application to hold a street event.

## **III. ADOPTION OF AGENDA**

## **IV. ELECTED OFFICIALS PRESENT AND REPORTING**

Erin Drinkwater, Congressman Jerrold Nadler's office

Crystal Gold-Pond, Senator Tom Duane's office

Sen. Elect Daniel Squadron introduced himself.

Mary Cooley, Sen. Elect Daniel Squadron's office;

John Ricker, NYC Comptroller's office;

Angelica Crane, Man. Borough President Scott Stringer's office

Matt Borden, Assembly Member Deborah Glick's office

Grey Elam, of Council Speaker Christine Quinn's office

Paul Nagle, Council Member Alan Gerson's office.

Kate Mikuliak, Council Member Rosie Mendez's office.

## **V. ADOPTION OF MINUTES**

Adoption of December 2008 minutes and distribution of January 2009 minutes.

## **VI. EXECUTIVE SESSION**

1. **Chair's Report** Brad Hoylman reported

2. **District Manager's Report** Bob Gormley reported.

## STANDING COMMITTEE REPORTS

### LANDMARKS AND PUBLIC AESTHETICS

#### 1<sup>ST</sup> LANDMARKS COMMITTEE MEETING

**Item 1 – 550 Broadway** (Prince/Spring) - SoHo-Cast Iron Historic District. A store building designed by R. G. Hatfield, built in 1854, and altered in 1901. Application is to install a marquee and signage.

**Whereas**, a new bank is moving in and feels the need to “announce” its presence; but

**Whereas**, the request for five light bands, even when located 18” behind each of the second-floor windows, is overkill. We feel that three light bands would still draw attention but without distraction, as well as providing a better sense of symmetry and rhythm within the five window openings; and

**Whereas**, the request for vinyl signage strips at the bottom of the windows uses an inappropriate material and introduces more clutter. We feel that no vinyl strips would be best for the building and the district; and

**Whereas**, the large sign in the ATM lobby behind the storefront window is far too big and distracting; and

**Whereas**, we are not swayed by the applicant’s argument for a marquee above the ground-floor entrance, supposedly to balance and complement the recently added marquee for the adjacent Banana Republic.

These marquees that every applicant on Broadway in the past few years seems compelled to request have no historical precedent for being located on the main façade of any building in SoHo. In fact, there are only two instances of such structures in the entire historic district, whose utilitarian purpose was to shelter merchandise and workers from the elements; and these were located on the rear façade of side streets: Crosby and Mercer.

It was wrong in the first place to permit Banana Republic to have a marquee and there is no reason to repeat a mistake; now

**Therefore, be it resolved** that CB#2, Man. recommends denial of this application as presented, except for the restoration of the glass transom; and

**Further, be it resolved** that CB#2, Man. recommends instead:

- three light bands and not five
- no vinyl advertising strips at the bottom of the windows
- no marquee because it lacks any historic precedent in the Cast-Iron Historic District, and detracts from the building and the district
- the size of the large sign behind the storefront window be reduced by half

Vote: Unanimous, with 32 Board members in favor.

**Item 2 - 5 King Street** (n.e. corner Sixth Ave)– Charlton King Vandam Historic District

An Anglo-Italianate style apartment building built c. 1880. Application is to alter the façade and install a new storefront and barrier-free access ramp. Zoned R7-2, C-15

**Whereas**, the argument to restore the Sixth Avenue side of this building to a commercial style that it had for a decade in the 1930s immediately following the demolition of neighboring buildings during the widening of Sixth Avenue was received well, particularly since not much historic material is being lost in the proposal; and

**Whereas**, as a result, we approve of this alteration in concept but we have problems with some of the details; and

**Whereas**, the Charlton-King-Vandam Historic District is primarily residential, although this small portion has a commercial overlay. To allow substantial portions of this application would change the character of this primarily residential area and make it more commercial, thus losing its special sense of place; and

**Whereas**, the restoration should blend in with the residential nature of this quaint historic district, instead of mimicking the crassly commercial, honky-tonk, non-landmarked section of Sixth Avenue directly to the north of Houston Street; and

**Whereas**, having emphasized that, we do not object to the loss of some historic masonry on the side wall, which must be done in order to install new glazing of a size and material that would appear to wrap around from the front façade, and which has some stylistic precedent downtown; and

**Whereas**, because the sidewalk is wide, the mandated ramp does not interfere with pedestrian passage, although it is not historic; and

**Whereas**, the signage is acceptable, and the retractable awning in its recessed housing does not detract from the building; but

**Whereas**, the other proposed fixed awning above the entrance has no precedent in style or materials anywhere in the district and detracts from the building; and

**Whereas**, the proposal to install a storefront of French doors might be appropriate in the Fifth Arrondissement of Paris. It is definitely not appropriate in this uniquely American neighborhood; and, further,

**Whereas**, because these French doors are designed to remain open most of the time, they effectively leave the façade wide open, obliterating it as it were, by exposing the interior to the street, contributing nothing to the building or the district. There is no historic precedent for this; now

**Therefore, be it resolved** that CB#2, Man. recommends approval in concept this application; but

**Further, be it resolved** that CB#2, Man. recommends denial of certain elements, specifically the French doors and the awning above the main entrance.

Vote: Unanimous, with 32 Board members in favor.

**Item – 3 - 440 West 14th Street** (Washington/10<sup>th</sup> Avenue)- Gansevoort Market H.D.

A building built in 1852 and altered as a utilitarian style market building in 1923 by James S. Maher. Application is to alter ground floor openings and install new infill. Zoned M1-5

**Whereas**, Gansevoort, first and foremost, is an historic district, not a fashion district; and

**Whereas**, the reason proposed for enlarging the existing portals, namely, to increase the amount of light to the interior, was not convincing; and

**Whereas**, the argument offered that this application would make the building unique from the other two buildings to the east (owned by the same corporation) was unconvincing and incredible. In fact, the contrary would result; and

**Whereas**, this old building, regrettably, was permitted to be altered to its detriment a few years ago; and

**Whereas**, this latest proposal is just another bite out of the apple: another attempt to alter, for no good or useful purpose, a historic facade which shows the original purpose of this building. The portals must be preserved as they are; and

**Whereas**, the symmetry and rhythm of the upper floor windows reflect the existing garage door and entrance, and that is what makes this building unique, not this proposed alteration, which would homogenize it with the two adjacent buildings, thus removing the last elements that distinguishes it; and

**Whereas**, the historic district would gain little and lose much with this proposal; and

**Whereas**, the suggestion to change the paint color from white to red, trying to match the two other buildings, is yet another example of how wrong this proposal is. If any color change is to be done, simply remove the white paint and expose the natural brick; now

**Therefore, be it resolved** that CB#2, Man. strongly recommends denial of this application, which, contrary to the claim that it would distinguish the building from its two neighbors, in fact would only homogenize it with them, obliterating any distinct character it now possesses.

Vote: Unanimous, with 32 Board members in favor.

## **2<sup>ND</sup> LANDMARKS COMMITTEE MEETING**

**296 Elizabeth Street - NoHo East Historic District** An early 19th century building with late-20th century alterations. Application is to construct a stair bulkhead. Zoned C6-2

**Whereas**, the bulkhead is barely visible, and then only at a distance; and

**Whereas**, the material, California stucco, and color, tannish, will match the existing, adjacent stairwell bulkhead; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of this application, since the bulkhead blends in and is barely noticeable.

Vote: Unanimous, with 32 Board members in favor.

## **SIDEWALKS, PUBLIC FACILITIES AND ACCESS**

### **New App. for revocable consent to operate an Unenclosed sidewalk café for:**

**1. Gat 35 Corp. D/B/A Da Andrea**, 35 W. 13<sup>th</sup> Street, Block: 577, Lot: 19, Police Precinct: 6, City Address,: 34 WEST 14 STREET, 10011, betw 5<sup>th</sup> & 6<sup>th</sup> Ave, with 8 tables & 16 seats, **DCA# 1307585**.

**Whereas**, the area was posted, community groups notified by e-mail; there was community correspondence and attendance and the owner was present, and,

**Whereas**, this lot has frontage of 125 feet and depth of 206.5 feet, with one building of five stories, built in 1930, with 0 residential units of a total 6 units in an, Industrial and Manufacturing zone - C6-2M: Zoning Map #: 12C, and

**Whereas**, the sidewalk is exactly 13' wide and there are no other sidewalk café's on this block, and

**Whereas**, a resident at 25 West 13<sup>th</sup> St. appeared representing the other residents of 25 West 13<sup>th</sup> St. which is a residential building of 180 units, objecting to the issuance of a sidewalk café license for this block and submitted a statement pertaining to existing congestion and traffic on this block and potential negative affects of adding a sidewalk café, and,

**Whereas**, the owner had previously owned a restaurant of the same name with a sidewalk café 557 Hudson St btw Perry & 11<sup>th</sup> St. with no complaints, and

**Whereas**, there are no legal grounds for entertaining a prohibition of a sidewalk café on this block as requested by the residents of 25 West 13<sup>th</sup> St., by virtue of its location or by the previous conduct of this applicant in the former location, and,

**Whereas**, the applicants have installed a retractable awning to abate sound and will install a barrier railing around the area of the sidewalk café to prevent incursion onto the 8' pedestrian right-of-way, and

**Whereas**, this Committee has shared contact information between Ms. Amato, as representative of the tenants of 25 West 13<sup>th</sup>, and the Owner/Manager, Tiziana Vecchietti in order to initiate a cooperative dialogue with the neighborhood, and

**Whereas**, this Committee has been assured that the applicant will make every effort to maintain an ongoing dialogue regarding the operation of the sidewalk café,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of a NEW application for revocable consent to operate an Unenclosed sidewalk café for **Gat 35 Corp. D/B/A Da Andrea**, 35 W. 13<sup>th</sup> Street, Block: 577, Lot: 19, Police Precinct: 6, City Address,: 34 WEST 14 STREET, 10011, btw. 5<sup>th</sup> & 6<sup>th</sup> Ave, with 8 tables & 16 seats, **DCA# 1307585**.

**Vote:** Unanimous, with 35 Board members in favor.

**2. West Village Ritz Corporation, d/b/a Ritz Asia**, 189 Bleecker St. Block: 542, Lot: 7502, Police Precinct: 6, corner of MacDougal, with 8 tables & 24 seats, DCA# 1308275.

**Whereas**, the area was posted, community groups notified by e-mail; there was no community attendance and the owner/manager and attorney were present, and,

**Whereas**, the lot area is 5,550 sq. ft., with 37' frontage on the Bleecker St. side and 36' frontage on the MacDougal St. Side, with two buildings of six stories, built in 1900, with 40 residential units of a total 41 units in an area of Mixed Residential and Commercial Buildings, Zoned: R7-2 with a commercial overlay: Residential, Zoning Map #: 12A, and

**Whereas**, the applicant's restaurant hours of operation are 11:00 a.m. – 12:00 a.m. Sunday – Thursday and 11:00 a.m. – 2:00 a.m. Friday and Saturday; as stated in the method of operation for the restaurant liquor license, and no backyard garden; and background music only, which was approved by CB#2's Full Board in November 2008 and,

**Whereas**, the applicant's sidewalk café hours will be till midnight Sunday through Thursday and until 1:00 AM Friday and Saturday, and

**Whereas**, the applicant has agreed to be vigilant regarding the exact placement of tables since this is a highly trafficked corner and the pedestrian right of way remaining leaves exactly 8' with very precise table placements to avoid other street furniture and trees,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of a NEW application for revocable consent to operate an Unenclosed sidewalk café for **West Village Ritz Corporation, d/b/a Ritz Asia**, 189 Bleecker St. Block: 542, Lot: 7502, Police Precinct: 6, corner of MacDougal, with 8 tables & 24 seats, **DCA# 1308275**.

**Vote:** Unanimous, with 35 Board members in favor.

**Renewal App. for revocable consent to operate an unenclosed sidewalk cafe for:**

**3. New Mekong Restaurant Corp. d/b/a/ Mekong**, 16-18 King St., Block: 519, Lot: 30, Police Precinct: 1, City Address: 18 KING STREET, 10014sw corner of 6<sup>th</sup> Ave, with 11 tables & 25 seats, **DCA# 1234468**.

**Whereas**, the area was posted, community groups notified by e-mail; there was no community attendance and the owner/manager was present, and,

**Whereas**, the lot frontage is 76.5' and lot depth is 39.6', with one building of six stories, built in 1920, with 21 residential units of a total 23 units in an area of Mixed Residential and Commercial Buildings, Zoned: R7-2, with a commercial overlay: Residential, Zoning Map #: 12A, and

**Whereas**, there are no complaints received from the last period of this license,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of a RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **New Mekong Restaurant Corp.,d/b/a/ Mekong**, 16-18 King St., Block: 519, Lot: 30, Police Precinct: 1, City Address: 18 KING STREET, 10014sw corner of 6<sup>th</sup> Ave,with 11 tables & 25 seats, **DCA# 1234468**.

**Vote:** Unanimous, with 35 Board members in favor.

**4. Oreste Inc., d/b/a/ Trattoria Toscana**, 64 Carmine St., Block: 528, Lot: 76, Police Precinct: 6, City Address: 60 CARMINE STREET, 10014, SE corner of Bedford, with 8 tables & 18 seats, **DCA# 1163792 –Laid Over to March Calendar**.



**5. Iridium Rest. Corp., d/b/a/ Bread**, 20 Spring St. Block: 479, Lot: 18, Police Precinct: betw. Elizabeth & Mott Sts., with 2 tables & 4 seats, **DCA# 1221130**.

**Whereas**, the area was posted, community groups notified by e-mail; there was no community attendance and the owners agent Michael Kelly was present, and,

**Whereas**, the lot frontage is 22.58' and lot depth is 125.33', with one building of six stories, built in 1900 (estimate), with 15 residential units of a total 16 units in an area of Mixed Residential and Commercial Buildings, Zoned: C6-1 Commercial, in the Little Italy Special District, Zoning Map #: 12C, and

**Whereas**, there were no complaints presented or changes since the last application,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of a RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Iridium Rest. Corp., d/b/a/ Bread**, 20 Spring St. Block: 479, Lot: 18, Police Precinct: 5, betw. Elizabeth & Mott Sts., with 2 tables & 4 seats, **DCA# 1221130**.

**Vote:** Unanimous, with 35 Board members in favor.

**6. Restaurant 597 Inc., d/b/a Bus Stop**, 597 Hudson St., 10014, Block: 624, Lot: 21, Police Precinct: 6, NW corner at Bethune (South of West 12<sup>th</sup>) with 10 tables & 20 seats, **DCA# 0918358**.

**Whereas**, the area was posted, community groups notified by e-mail; there was no community attendance and the owner, Anastasios Hatzioannidis, was present, and,

**Whereas**, the lot frontage is 21.83' and lot depth is 76.33', with one building of five stories, built in 1901 (estimate), with 12 residential units of a total 14 units in an area of Multi-Family Walk-up Buildings, Zoned: C6-1 Commercial, Zoning Map #: 12A, and

**Whereas**, there were no complaints presented or changes since the last application,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of a RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Restaurant 597 Inc., d/b/a Bus Stop**, 597 Hudson St., 10014, Block: 624, Lot: 21, Police Precinct: 6, NW corner at Bethune (South of West 12<sup>th</sup>) with 10 tables & 20 seats, **DCA# 0918358**

**Vote:** Unanimous, with 35 Board members in favor.

**7. Christopher Street, LLC, d/b/a 5 Ninth Ave.**, at 5 9<sup>th</sup> Avenue, 10014, Block: 644, Lot: 55, Police Precinct: 6, betw Gansevoort & Little West 12<sup>th</sup> Sts., with 10 tables & 20 seats, **DCA# 1225304**.

**Whereas**, the area was posted, community groups notified by e-mail; there was no community attendance and the owner's representative, Michael Kelly, was present, and,

**Whereas**, the lot frontage is 19' and lot depth is 63', with one building of three stories, built in 1899 (estimate), with 2 residential units of a total 3 units in an area of one and two family buildings, Zoned:M1-5 Manufacturing, Zoning Map #:**08B**, and

**Whereas**, this sidewalk café is placed on the Little West 12<sup>th</sup> St side of this building and not at the address on 9<sup>th</sup> Avenue, and

**Whereas**, there are planters placed around the area of the sidewalk café, instead of the steel railing specified in the sidewalk plan, at the time of this application, leaving less than 6’9” pedestrian right-of way, but there were no chairs or tables present, and

**Whereas**, the owners representative agreed that the applicant would reposition the planters, when the sidewalk café is in use so that there is a minimum of 8’ pedestrian right of way, and otherwise store the planters at the wall of the building when the sidewalk café is not in use,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of a RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Christopher Street, LLC, d/b/a 5 Ninth Ave., at 5 9<sup>th</sup> Avenue, 10014, Block: 644, Lot: 55, Police Precinct: 6, betw Gansevoort & Little West 12<sup>th</sup> Sts., with 10 tables & 20 seats, DCA# 1225304.**

**Vote:** Unanimous, with 35 Board members in favor.

### **SLA LICENSING**

#### **1. 827 Broadway Restaurant Assoc. Inc., d/b/a Trattoria Lucca, 827 Broadway (between West 12<sup>th</sup> and West 13<sup>th</sup>)**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for an On Premise license in a mixed use building on Broadway between West 12<sup>th</sup> and West 13<sup>th</sup> Streets for a 3,200 s.f. restaurant with 212 table seats, 2 bars with 38 seats, and a maximum legal capacity of 304 persons pending the issuance of a new Certificate of Occupancy and Public Assembly Permit; and,

**Whereas**, the applicant stated the hours of operation are 9:00 a.m. – 2:00 a.m. seven days a week; there is no sidewalk café nor a backyard garden; music is background only; and,

**Whereas**, the applicant has agreed to have a menu and food items available at all times up until one hour before closing; (menu and food items available until 1:00 a.m. seven days a week); and,

**Whereas**, the applicant has agreed to install proper sound proofing at the establishment; and,

**Whereas**, the applicant has agreed to prohibit the use of the backyard space until further review by neighboring residents and this committee; and,

**Whereas**, no one appeared in opposition from the community; and,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends denial of an On Premise license for **827 Broadway Restaurant Assoc. Inc., d/b/a Trattoria Lucca, 827 Broadway**, unless the conditions agreed to by applicant relating to the fourth, fifth and sixth “whereas” clauses above is incorporated into the “Method of Operation” on the SLA On Premise license; and,

**Vote:** Unanimous, with 36 Board members in favor.

#### **2. Corp to be formed, 49 Bond St., (Lafayette and Bowery), NYC.**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for a Beer and Wine license for a French restaurant located in a 3,400 s.f. premise in a mixed use building located on Bond Street between Lafayette and Bowery streets with 73 table seats, 2 bars with 17 seats and a maximum legal capacity of 95 persons pending the issuance of a new Certificate of Occupancy or Letter of No Objection, which will not exceed said capacity; and,

**Whereas**, the applicant stated the hours of operation are 8:00 a.m. – 12:00 a.m. seven days a week; there will not be a sidewalk café application and no backyard garden; music will be background only; and,

**Whereas**, a member of the community appeared representing the residents in several nearby buildings in opposition; citing quality of life concerns with another licensed establishment in the area; congestion with more than ten bars and restaurants within a block; and,

**Whereas**, this committee recognizes the good faith efforts made by the applicant but have strong concerns with adding another licensed establishment in a highly saturated area; and,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends denial to the proposed Beer and Wine license for **Corp to be formed, 49 Bond St.**

Vote: Passed, with 23 Board members in favor, 7 in opposition, and 1 abstention.

### **3. Happy Cooking, LLC, 170 Waverly Pl., (at Grove Street), NYC.**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for an On Premise license for a French inspired restaurant located in a 850 s.f. premise in a mixed use building located on the corner of Waverly Place and Grove Street with 18 table seats, 1 bar with 12 seats and a maximum legal capacity of 40 persons; and,

**Whereas**, the applicant stated the hours of operation are 8:30 a.m. – 2:00 a.m. Tuesday – Sunday and closed Mondays; there will not be a sidewalk café application and no backyard garden; music will be background only; and,

**Whereas**, the applicant has agreed to have a menu and food items available at all times up until one hour before closing; (menu and food items available until 1:00 a.m. Tuesday - Sunday); and,

**Whereas**, this committee acknowledges the public benefit with the applicant’s existing establishments; and

**Whereas**, several members of the community appeared in strong support of the applicant; and,

**Whereas**, no one appeared in opposition from the community; and,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends denial of an On Premise license for **Happy Cooking, LLC, 170 Waverly Pl.**, unless the condition agreed to by applicant relating to the fourth “whereas” clause above is incorporated into the “Method of Operation” on the SLA On Premise license;

Vote: Unanimous, with 36 Board members in favor.

### **4. Havana Restaurant, 94 Christopher St., (Bleecker and Bedford), NYC**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for a transfer of an existing On Premise license, pursuant to purchase for a Cuban restaurant d/b/a Havana located in an 1,000 s.f. premise in a mixed use building on Christopher Street between Bleecker and Bedford streets with 48 table seats with 1 bar with no bar seats; and a maximum legal capacity of 48 persons; and,

**Whereas**, the applicant stated there are no plans to change the existing method of operation; the applicant stated the hours are 11:00 a.m. – 11:00 p.m. Sunday – Thursday and 11:00 a.m. – 12:00 a.m. Friday and Saturday; there is no sidewalk café nor a backyard garden; music is background only; and,

**Whereas**, no one appeared in opposition from the community; and,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval to the proposed transfer of an On Premise license for **Havana Restaurant, 94 Christopher St.**

Vote: Unanimous, with 36 Board members in favor.

**5. New Tu Do Restaurant, 102 Bowery, NYC 10013**

**Whereas**, the applicant failed to appear before the committee or request a layover of consideration of the application to the next hearing;

**Whereas**, this application is for an On Premise liquor license;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. strongly recommends denial of an On Premise liquor license to **New Tu Do Restaurant, 102 Bowery, NYC 10013** **and requests that the SLA send this applicant back to CB#2, Man. should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 36 Board members in favor.

**6. Sam Talbott or entity to be formed, 7 Ninth Ave., NYC 10014**

**Whereas**, the applicant failed to appear once again before the committee or request a layover of consideration of the application to the next hearing; and,

**Whereas**, this application is for an On Premise liquor license;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. strongly recommends denial of an On Premise liquor license to **Sam Talbott or entity to be formed, 7 Ninth Ave., NYC 10014** **and requests that the SLA send this applicant back to CB#2, Man. should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 36 Board members in favor.

**7. 120 Christopher Street Restaurant, LLC, 120 Christopher St., NYC 10014**

**Whereas**, the applicant failed to appear before the committee or request a layover of consideration of the application to the next hearing; and,

**Whereas**, this application is for an On Premise liquor license; and,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. strongly recommends denial of an On Premise liquor license to **120 Christopher Street Restaurant, LLC, 120 Christopher St., NYC 10014** and requests that the SLA send this applicant back to CB#2, Man. should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

**8. Howard Street Rest. Corp., 250 Howard St., NYC 10013**

**Whereas**, the applicant failed to appear before the committee or request a layover of consideration of the application to the next hearing; and,

**Whereas**, this application is for an On Premise liquor license;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. strongly recommends denial of an On Premise liquor license to **Howard Street Rest. Corp., 250 Howard St., NYC 10013** requests that the SLA send this applicant back to CB#2, Man. should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

**9. 128 Billiard, Inc., d/b/a Tropical, 128 Elizabeth St., NYC 10013**

**Whereas**, the applicant failed to appear before the committee or request a layover of consideration of the application to the next hearing; and,

**Whereas**, this application is for an On Premise liquor license;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. strongly recommends denial of an On Premise liquor license to **128 Billiard, Inc., d/b/a Tropical, 128 Elizabeth St., NYC 10013** requests that the SLA send this applicant back to CB#2, Man. should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

**SOCIAL SERVICES AND EDUCATION**

**1. Department of Homeless Services proposed closing of Men's Intake Center**

**Whereas**, The Department of Homeless Services has proposed closing the Men's Intake Center, currently housed at Bellevue Hospital on East 30<sup>th</sup> Street and First Avenue, and moving it to The Bedford-Atlantic Armory in the Crown Heights section of Brooklyn; and

**Whereas** the New York City Department of Homeless Services' 2008 HOPE Survey of street homelessness estimated that 58% of homeless people living on the streets were located in Manhattan, and that only 16% of the total street homeless population is located in Brooklyn, and

**Whereas** The Homeless Shelter system has always maintained Intake Centers throughout the city and this move would create an unprecedented burden on homeless people who are trying to access services, and

**Whereas** The City Council has proposed an amendment to the administrative code of New York City (Intro 844) that would require the Department of Homeless Services to maintain an Intake Center in Manhattan, and

**Whereas** the Health and Hospitals Corp, and the NYS Economic Development Corp are proposing to market this site to the business sector for development as a Hotel, and

**Whereas** the building that currently houses the Intake Center at Bellevue Hospital, is within a zone of buildings that are currently required to be used for health and social services purposes only, and

**Whereas** CB#2, Man. has always been supportive of the provision of homeless services at local facilities, even when the City's main shelter and intake center was in our own neighborhood at 3<sup>rd</sup> Street and the Bowery, where it stood for many decades before being closed a few years ago. and

**Therefore Be It Resolved that** CB#2, Man. urges the City Council to pass Intro 844-2008, and

**Be It Further Resolved that** CB#2, Man. urges Mayor Bloomberg and the Department of Homeless Services to refrain from closing the Homeless Services Intake Center at Bellevue Hospital, until a conforming use for the site is found, and an alternative Manhattan Intake Center is established.

Vote: Passed, with 33 Board members in favor and 1 recusal (Amanda Kahn Fried).

## **2. Marriage Equality for Same Sex Couples**

**WHEREAS** CB#2, Man. is a long-term supporter of Marriage Equality for same sex couples; and

**WHEREAS** NYS does not yet allow same sex couples to get married in our State; and

**WHEREAS** NYS does recognize Same Sex Marriages that are legally performed; and

**WHEREAS** hundreds of Same Sex Couples in our community have been married in California, Massachusetts, Canada and elsewhere; and

**WHEREAS** Kenneth Starr who will argue on behalf of the supporters of proposition 8 before the California Supreme Court that previously performed Same Sex Marriages in that State should be annulled; and

**THEREFORE BE IT RESOLVED** that CB#2, Man. Urges the California Supreme Court to not overturn those Same Sex Marriages that have already been performed; and

**THEREFORE BE IT FURTHER RESOLVED** that CB#2, Man. Urges our own elected officials to pass legislation that will allow Same Sex Couples to marry in New York.

Vote: Unanimous, with 37 Board members in favor.

## **STREET ACTIVITY & FILM PERMITS**

### **A. Renewal Applications Recommended For Approval (all were approved last year by the full board):**

#### **1. 5/2 - Cooke Center Academy Street Fair, MacDougal St. bet. Houston and King Sts.**

Set up: 10am

Break down: 5pm

**Whereas**, the applicant was represented by Mary Munsch before the Committee, and

**Whereas**, the application is a renewal application and there is no community opposition; and

**Whereas**, the school is for students with special needs and the event is to celebrate with their families the completion of the school year; and

**Whereas**, there is no alcohol, no rides, no fund raising and no amplified music associated with this application; now

**THEREFORE BE IT RESOLVED THAT CB #2 MANHATTAN** recommends approval for the Street Permit for Cooke Center Academy.

Vote: Unanimous, with 35 Board members in favor.

#### **2. 5/2 - Grace Church School Parents Assn., E 10<sup>th</sup> Street bet. Broadway & 4<sup>th</sup> Ave.**

Set up: 8am

Break down: 6pm

**Whereas**, the applicant was represented by Ellen McElduff; and

**Whereas**, the application is a renewal application and there is no community opposition; and

**Whereas**, the annual school street fair has been held in this vicinity for the last 54 years; and

**Whereas**, the proceeds benefit the school; now

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval for the Street Permit for Grace Church School Parents Assn..

Vote: Passed, with 35 Board members in favor, and 1 recusal (K.Berger).

#### **3. 5/2- P.S. 130, Hester St. Bet Mulberry & Baxter Sts.**

Set up: 9am

Break down: 4pm

**Whereas**, the applicant was represented by Principal Lilly Woo; and

**Whereas**, the application is a renewal application and there is no community opposition; and

**Whereas**, the purpose of the street fair is to educate the local community comprised of more than 1200 families mostly from the Chinatown community on family health and safety issues; and

**Whereas**, this street fair has been held for the past 7 years; now

**THEREFORE BE IT RESOLVED THAT CB #2 MANHATTAN** recommends approval for the Street Permit for P.S. 130.

Vote: Passed, with 35 board members in favor, and 1 recusal (K. Berger).

**4. 5/9- Perry St. Block Association, Perry St. bet. Bleecker & W. 4th Sts.**

Set up: 8am

Break down: 8pm

**Whereas**, the applicant was represented by Jerald Banu; and

**Whereas**, the application is a renewal application and there is no community opposition; and

**Whereas**, the applicant has been running a “garage sale” on Perry Street for the past 17 years; and

**Whereas**, the proceeds of the event go to spring plantings, maintaining the tree beds, and investing in new “Bishop Crook’s Streetlight” fixtures along Perry Street; and

**Whereas**, in the past the applicant has also donated surplus proceeds to Village Care, Visiting Neighbors, and other community based organizations; now

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval for the Street Permit for the Perry Street Block Association.

Vote: Passed, with 35 Board members in favor, and 1 recusal (K. Berger).

**5. 3/7 - 12/27 - St. Patrick’s Old Cathedral (Multi-day), Prince St. bet. Mott & Mulberry Sts;**

Set up: 9am

Break down: 8pm

**Whereas**, Catherine Stravato appeared before the Committee on behalf of the application; and

**Whereas**, this street fair has been held for the past three years to raise funds for the church; and

**Whereas**, the application is a renewal application and there is no community opposition; and

**Whereas**, the applicant agreed to move from its prior venue at Broadway between Houston and Grand Street to its current location at Prince Street to accommodate the community; and

**Whereas**, this application does not request a closing of the street bed as the vendors are located on the sidewalk abutting Prince Street;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval for the Street Permit for St. Patrick’s Old Cathedral.

Vote: Passed, with 35 Board members in favor, and 1 recusal (K.Berger).



**6. 6/20 and 10/3 - St. Joseph Church, Washington Pl. b/w 6th Ave and Grove Street**

Set up: 8am

Break down: 7pm

**Whereas**, a representative of St. Joseph’s Church appeared before the Committee on behalf of the application; and

**Whereas**, this street fair is held on a semi-annual basis to raise funds for the church; and

**Whereas**, the application is a renewal application and there is no community opposition; now

**THEREFORE BE IT RESOLVED THAT CB #2 MANHATTAN** recommends approval for the Street Permit for St. Joseph Church.

Vote: Passed, with 35 Board members in favor, and 1 recusal (K. Berger).

**7. 6/21 - The Jazz Gallery (Make Music New York), Hudson St. Bet Bethune & 13<sup>th</sup> Street**

Set up: 10am

Break down: 7:15pm

**Whereas**, applicant was represented by Lezlie Harrison; and

**Whereas**, the application is a renewal application and there is no community opposition; and

**Whereas**, The Jazz Gallery is a not-for-profit cultural center located in our community that provides an international venue where the youngest generation of professional jazz musicians can be nurtured, giving them an audience for their performances and a stage upon which to assemble their bands; and

**Whereas**, The Jazz Gallery application is part of the New York City wide “Make Music New York” celebration held annually on the first day of summer; and

**Whereas**, the applicant plans to pay tribute and expose the community to the music of Ghana; and

**Whereas**, the music played will be melodic in nature and will not disturb the surrounding community;  
now

**THEREFORE BE IT RESOLVED THAT CB #2 MANHATTAN** recommends approval for the Street Permit for The Jazz Gallery.

Vote: Passed, with 35 Board members in favor, and 1 recusal (K. Berger).

**8. 4/22 – Earth Matters @ NYU, Washington Pl. bet. Washington Sq. East & Greene St.;**

**Set up: 9am**

Break down: 4pm

**Whereas**, the applicant was represented by Molly Anderson, Adam Ebnit and other students at NYU representing “Earth Matters” at NYU; and

**Whereas**, the application is a renewal application and there is no community opposition; and

**Whereas**, this street fair has been taking place for the past 10 years; and

**Whereas**, this fair will focus on promoting earth day and earth week and transportation alternatives; and

**Whereas**, no funds will be raised, no amplified sound will be played and no food or alcohol will be served; now

**THEREFORE BE IT RESOLVED** that CB#2, MAN. recommends approval for the Street Permit for Earth Matters @ NYU.

Vote: Passed, with 35 Board members in favor and 1 recusal (K. Berger).

**9. 5/30 – Morton Street Block Association, Morton St. bet. Bedford & Hudson Sts.**

Set up: 9am

Break down: 6pm

**Whereas**, applicant was represented by the organizers of the street fair; and

**Whereas**, the application is a renewal application and there is no community opposition; and

**Whereas**, this is a White Elephant Sale held by members and residents of Morton Street and the vicinity with no commercial vendors; and

**Whereas**, the proceeds go to beautify the street with plantings and to community and neighborhood groups; now

**THEREFORE BE IT RESOLVED THAT CB #2 MANHATTAN** recommends approval for the Street Permit for Morton Street Block Association.

Vote: Passed, with 35 Board members in favor, and 1 recusal (K. Berger).

**10. 5/1 – NYU Strawberry Festival, LaGuardia Pl. b/w Washington Sq. South & W. 3rd St.**

Set up: 9am

Break down: 6pm

**Whereas**, the applicant was represented by the NYU Office of Student Activities; and

**Whereas**, the application is a renewal application and there is no community opposition; and

**Whereas**, the NYU Strawberry Festival is an annual tradition which has taken place in our community since 1985; and

**Whereas**, the Strawberry Festival will give away free strawberries, balloons and do face paintings; and

**Whereas**, the event will be held this year on LaGuardia Place due to construction and past noise complaints about the previous location; now

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval for the Street Permit for the NYU Strawberry Festival.

Vote: Passed, with 35 Board members in favor, and 1 recusal (K. Berger).

**11. 5/2 – Children’s Aid Society, Sullivan St. bet. Bleecker & W. 3<sup>rd</sup> Sts.**

Set up: 10am

Bread down: 5pm

**Whereas**, the applicant was represented by Raquel Matos; and

**Whereas**, the application is a renewal application and there is no community opposition; and

**Whereas**, the fair will feature rides, crafts and gaming booths aimed at younger children; and

**Whereas**, the event will be open to the public and the proceeds will benefit the Children’s Aid Society;  
now

**THEREFORE BE IT RESOLVED THAT** that CB#2, Man. recommends approval for the Street Permit for the Children’s Aid Society.

Vote: Passed, with 35 Board members in favor, and 1 recusal (K. Berger).

**12. 5/30 – Jane Street Block Association, Jane St. bet/ Hudson St. & 8<sup>th</sup> Ave.**

Set up: 7am

Break down: 7pm

**Whereas**, the applicant appeared before the Committee and explained that this was a block party; and

**Whereas**, the application is a renewal application and there is no community opposition; and

**Whereas**, there will be vendors who will generate income for the group who will use it for their block association activities and to donate to local community groups; and

**Whereas**, the applicant provides for tree maintenance on Jane Street and donates part of their income to The Village Nursing Home and The Caring Community; now

**THEREFORE BE IT RESOLVED THAT CB #2 MANHATTAN** recommends approval for the Street Permit for the Jane Street Block Association.

Vote: Passed, with 35 Board members in favor, and 1 recusal (K. Berger).

**B. Renewal Applications Recommended for Denial:**

**13. 10/24 - Women’s Democratic Club of New York City, Astor Place bet. Broadway & Lafayette Sts.**

Set up: 8am

Break down: 7pm

**Whereas**, applicant was represented by Pat Rudden; and

**Whereas**, The Woman’s Democratic Club of New York City seeks a renewal of its street fair application permit, which was APPROVED last year by CB#2, Man.; and

**Whereas**, Chapter 11, Section 1-03(b), of the Rules of the Street Activity Permit Office Relating to Applications, Fees and Charges, states that a street fair sponsor should be a “community based, not-for-profit organization, association or the like, which has an indigenous relationship to the specific street or the community or both, for which the event is proposed and which demonstrates that it has the support of the community and is willing to take full advantage for the conduct of the event”; and

**Whereas**, there is no evidence that the Woman’s Democratic Club of New York City has an indigenous relationship to the specific street or the community as required by the above Rules; and

**Whereas**, the representative of the Woman’s Democratic Club of New York City who appeared in support of the application could not provide any concrete details about the membership of the club, the purpose or mission of the club, the types of events the club sponsors or supports in our community or details about the street fair itself; and

**Whereas**, the representatives of the local community, including residents and local businesses, have questioned the legitimacy of this organization in the past; and

**Whereas**, there are already a large number of street fairs that take place annually within CB#2, Man. and therefore CB#2, Man. believes that only those street fair permit applications sponsored by a legitimate not-for-profit organization with a close nexus to CB#2, Man. or that is located within CB#2, Man. should be approved; now

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial for the Street Permit for the Women’s Democratic Club of New York City.

Vote: Passed, with 35 Board members in favor, and 1 in opposition.

**C. New Applications Recommended for Approval:**

**14. 5/30 -s Friends of NYC Lab School, Gansevoort St. b/w Hudson and Greenwich Sts. / 9th Ave.**

Set up: 7am

Break down: 4pm

**Whereas**, the applicant was represented by Nanci Katz, the organizer of the event and parent of a child attending Lab School, Annie Washburn of the Meatpacking District Initiative, and other parents and supporters of Lab School; and

**Whereas**, the proposed street activity is a food tasting festival where supporters of the Lab School and other community residents will purchase tickets that can be exchanged for a designated number of tastings (i.e., plates of food) that will be donated by restaurants located both within and outside of CB # 2 Manhattan; and

**Whereas**, all proceeds generated by the sale of tickets will go directly to the Lab School; and

**Whereas**, more than 200 students from CB# 2 Manhattan attend the Lab School; and

**Whereas**, the applicant has agreed to make tastings available at all price levels, ranging from multiple tastings for \$35 down to individual tastings for \$5-10, including making available non-restaurant tasting items such as pizza and Chinese food for children at low price points; now

**THEREFORE BE IT RESOLVED THAT CB #2 MANHATTAN** recommends approval for the Street Permit for Friends of NYC Lab School.

Vote: Passed, with 35 Board members in favor, and 1 in opposition.

**D. New Applications Recommended for Denial:**

**15. Integral Yoga Annual Day for Your Health, W. 13th Street b/w 7th Ave and Greenwich Ave**

Set up: 8:30am

Break down: 6pm

**Whereas**, the applicant Integral Yoga is a for profit business that includes a yoga center that serves over 7,000 students monthly, a food store serving organic and health conscious food and an apothecary store selling vegetarian supplements, herbal extracts, and formulas; and

**Whereas**, Integral Yoga Institute is a non-profit service organization established 35 years ago by Integral Yoga to support and promote healthy living and spiritual enlightenment in the CB # 2 Manhattan community by providing, among other things, free Yoga to those in the community who cannot afford it, and free lectures on how to live a healthy lifestyle; and

**Whereas**, the representative from Integral Yoga indicated that they plan to use this street fair to promote both their for profit and non-profit organization to the community by giving away and selling food samples from their food store, selling token items from their apothecary store, and promoting free lectures on the benefits of Yoga and living a healthy lifestyle; and

**Whereas**, CB#2, Man. believes that using public space and closing public streets places a serious and substantial burden on the community and its residents and should be done sparingly and only for legitimate purposes; and

**Whereas**, while CB#2, Man. commends the work of the Integral Yoga Institute, it believes the primary purpose of the street fair is to promote and benefit Integral Yoga's for-profit commercial ventures; and

**Whereas**, CB#2, Man. believes that it is inappropriate to inconvenience the community by closing down public streets and using public spaces to promote the products and services of a for-profit commercial business; now

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of the Street Permit for Integral Yoga.

Vote: Passed, with 35 Board members in favor and 1 in opposition.

**E. Provisional Denials for Applicant No Shows:**

**16. 6/13 - World Science Festival, Washington Sq. So./West/East, b/w MacDougal & Greene St. (multi-block)**

Set up: 8am

Break down: 6pm

**Whereas**, the World Science Festival seeks a renewal of its street fair application permit, which was APPROVED last year by CB # 2 Manhattan; and

**Whereas**, the applicant did not appear before the Committee to present their renewal application; and

**Whereas**, the applicant did not send a representative to appear before the Committee in their absence; and

**Whereas**, the applicant did not inform the Committee or the CB#2, Man. office in advance that the applicant would not appear or explain their absence; and

**Whereas**, the CB#2, Man. office provided just and proper notice to the applicant to appear before the Committee; and

**Whereas**, CB#2, Man. believes that using public space and closing public streets places a serious and substantial burden on the community and its residents and should be done sparingly and only for legitimate purposes; and

**Whereas**, CB#2, Man. believes that only those street fair permit applications sponsored by a legitimate not-for-profit organization with a close nexus to CB#2, Man. or that is located within CB#2, Man. should be approved; and

**Whereas**, CB#2, Man. believes that all street permit applications sponsored by an organization meeting the above criteria should also be evaluated (1) based on their historical and culture significance to the community and (2) to determine if the proposed street activities and closures are reasonable in size, scope and duration; and

**Whereas**, CB#2, Man. spends a great deal of time and energy going through applications and questioning the applicants on behalf of the community to ensure that all street permit applications meet the above standards; and

**Whereas**, CB#2, Man. cannot support the approval of an application on behalf of the community where the applicant did not appear to present their application to CB#2, Man.'s Street Activity and Film Permit Committee; now

**THEREFORE BE IT RESOLVED** that CB#2, Man. requests that the above applicant appear before its Street Activity and Film Permit Committee at its next scheduled meeting; and

**THEREFORE BE IT FURTHER RESOLVED** that until and unless the applicant or their representative appears before the Street Activity and Film Permit Committee to present their street permit application, CB#2, Man. denies the application for World Science Festival.

Vote: Passed, with 35 board members in favor, and 1 in opposition.

**17. 6/28 - Stonewall Veterans Association, Greenwich Ave, b/w 6th and 7th Aves (multi-block)**

Set up: 9am

Break down: 6pm

**Whereas**, the Stonewall Veterans Association ("SVA") seeks a renewal of its street fair application permit, but seeks to change the date of its street fair to the SAME day as the Heritage of Pride Festival; and

**Whereas**, the SVA application was DENIED last year by CB#2, Man.; and

**Whereas**, the applicant did not appear before the Committee to present their renewal application; and

**Whereas**, the applicant did not send a representative to appear before the Committee in their absence; and

**Whereas**, the applicant did not inform the Committee or the CB#2, Man. office in advance that the applicant would not appear or explain their absence; and

**Whereas**, the CB#2, Man. office provided just and proper notice to the applicant to appear before the Committee; and

**Whereas**, CB#2, Man. believes that using public space and closing public streets places a serious and substantial burden on the community and its residents and should be done sparingly and only for legitimate purposes; and

**Whereas** CB#2, Man. believes that only those street fair permit applications sponsored by a legitimate not-for-profit organization with a close nexus to CB#2, Man. or that is located within CB#2, Man. should be approved; and

**Whereas**, CB#2, Man. believes that all street permit applications sponsored by an organization meeting the above criteria should also be evaluated (1) based on their historical and culture significance to the community and (2) to determine if the proposed street activities and closures are reasonable in size, scope and duration; and

**Whereas**, CB#2, Man. spends a great deal of time and energy going through applications and questioning the applicants on behalf of the community to ensure that all street permit applications meet the above standards; and

**Whereas**, CB#2, Man. cannot support the approval of an application on behalf of the community where the applicant did not appear to present their application to CB#2, Man.'s Street Activity and Film Permit Committee; now

**THEREFORE BE IT RESOLVED** that CB#2, Man. requests that the above applicant appear before its Street Activity and Film Permit Committee at its next scheduled meeting; and

**THEREFORE BE IT FURTHER RESOLVED** that until and unless the applicant or their representative appears before the Street Activity and Film Permit Committee to present their street permit application, CB#2, Man. recommends denial for the street permit for SVA.

Vote: Passed, with 35 Board members in favor, and 1 in opposition.

## **TRAFFIC AND TRANSPORTATION**

### **1. Resolution in support of changing parking regulations from “No Parking 8am-6pm Monday through Friday” to “No Standing except Trucks Loading and Unloading 8am-6pm Monday through Friday” on the south side of Bleecker St. from 7<sup>th</sup> Ave. to Jones St.**

**Whereas**, ever since the Bleecker St. bike lane segment between 7<sup>th</sup> Ave. and Ave. of the Americas was installed on the north side of that street, Ottomanelli Brothers butcher shop, a venerated and long-established neighborhood business institution located on that same north side at 285 Bleecker, has avoided blocking the bike lane by doing its necessary loading and unloading activities across the street on the south side, and as a result, has received 12 tickets for parking/standing violations under the current regulations there of “No Parking 8am-6pm Monday through Friday”; and

**Whereas**, many of Ottomanelli Brother's commercial neighbors on that same stretch of street similarly have an essential need to load and unload deliveries without being penalized, in order to successfully conduct business and have submitted a petition requesting a change in parking regulations for "No Standing except trucks loading and unloading 8 am-6 pm Monday through Friday"; and

**Whereas**, CB#2, Man. recognizes the importance of providing delivery loading and unloading access to support the conduct and health of our businesses, especially in this demanding economy;

**Therefore, Be It Resolved** that CB#2, Man. fully supports and requests changing parking regulations from "No Parking 8am-6pm Monday through Friday" to "No Standing except Trucks Loading and Unloading 8am-6pm Monday through Friday" on the south side of Bleecker St. from 7<sup>th</sup> Ave. to Jones St.

Vote: Unanimous, with 34 Board members in favor.

## **2. Resolution in response to community input at the Gansevoort Market Traffic Project public forum on January 13, 2009**

**Whereas**, CB#2, Man. held a public forum on January 13, 2009 to provide an update by the NYC Department of Transportation (DOT) on the Gansevoort Market Traffic Project (supported overwhelmingly by CB#2, Man. in a resolution passed in January 2008 and implemented in May 2008) to residents, businesses and institutions in the area and others interested in the project, and to give the community an opportunity to weigh in with their impressions of the project's progress, in keeping with the community process that has been followed from the project's beginnings, with said input to be discussed and acted upon at the February 2009 monthly meeting of CB#2, Man.'s Traffic and Transportation Committee (which this resolution summarizes) in order to pass it on to DOT in response to DOT's expression of interest in and request for input; and

**Whereas**, over 100 people attended the forum, 51 of them presenting comments, and 16 letters were received, and CB#2, Man. thanks all for participating; and

**Whereas**, the input, when examined in depth, fell into certain specific categories, with some people commenting on only one aspect of the project, while others commented on many, favoring some and objecting to others, as follows:

- Of 46 people commenting on the Traffic Plan (Plazas/Streets), 30 were in favor, 2 favored some things but not others, and 14 were against it.
- Of 25 people commenting on the project's Aesthetics, one was in favor, one favored some things but not all, and 23 were against, many of them citing inconsistency with the area's historic landmark character, and the greatest number (9) objecting to the bollards.
- 10 people commented on the need to examine the direction of W. 13<sup>th</sup> St. (bet. Hudson & 9<sup>th</sup> Ave.) and whether it should be changed.
- 10 people cited concerns about taxis, including 7 people who expressed the need to provide better taxi access/pickup/dropoff sites (taxi stands).
- There was some mention of concern about the pinch point in front of Pastis restaurant on 9<sup>th</sup> Ave.
- The need for management of the spaces (including maintenance, sanitation and programming) and the current gap in this area was evident.

(See attached for further details); and



**Whereas**, CB#2, Man. thanks DOT for its willingness to balance street space more equitably for community and pedestrian use and for innovating and testing short-term improvements in the Gansevoort Market area that reallocate vehicular space for needed public space, working with the community, as well as for analyzing conditions, presenting the results to the community and being open to suggested modifications; and

**Whereas**, DOT has expressed its intention to come back to the community at intervals as the project progresses, to indicate its response to community comments and get further input; and

**Whereas**, DOT anticipates that the final design will be completed between July 2009 and June 2010, and that permanent construction will be done between July 2010 and June 2011, meaning final implementation is at least two, possibly three years away, highlighting the need for revision to the short-term project, as necessary, to provide tangible improvement in the lengthy interim.

**Therefore Be It Resolved** that CB#2, Man. appreciates that DOT is intending to examine and evaluate all the input from our January 13, 2009 public forum, and requests that DOT particularly study the following and develop recommendations for both interim and permanent improvements in these areas:

- Aesthetics and Historic Considerations - Short-term: Replacement of the existing bollards with others, working with community representatives, as well as development of demarcation elements that better reflect the area's historic character, such as planters, bollards and chains, rather than the current white tape and other schemes that compromise historic integrity and blemish the cobblestones. Long-Term: Development of concepts for design patterns and elements, street furniture and other amenities and their placement in keeping with the landmark district, in consultation with qualified design expert(s), preferably from the Design Excellence Program.
- W. 13<sup>th</sup> Street – Short- and Long-Term: Examination and evaluation of the feasibility of reversing W. 13<sup>th</sup> St. between 9<sup>th</sup> Ave. and Hudson St. (and possibly to 8<sup>th</sup> Ave.) for an eastbound traffic flow.
- Taxi Stands - Short- and Long-Term: Examination and evaluation of potential taxi stand locales and development of recommendations.
- Pinch-Point – Short-Term: Study the pinch point in front of Pastis and how it functions. Long-Term: Based on analysis over time, develop permanent geometry.
- Management - Short- and Long-Term: Explore avenues for district and public space management and develop guidelines for establishing, funding and conducting a management program that the community can follow; and

**Be It Further Resolved** that CB#2, Man. asks that DOT return to the Board in the near future to present its initial interpretation of input from the public forum in the context of existing conditions and its preliminary recommendations for moving forward in response; and

**Be It Finally Resolved** that CB#2, Man. looks forward to working with DOT in an iterative process to develop modifications to the short-term improvements as well as final recommendations for completing and implementing the long-term plan.

Vote: Passed, with 33 Board members in favor.

## **ZONING AND HOUSING**

**1. Waterfront Zoning Text Amendment** City Planning Commission ULURP# N090239 ZRY Privately Owned Waterfront Public Access Design Standards Text Amendment  
<http://www.nyc.gov/html/dcp/html/waterfront/index.shtml>

**Waterfront Zoning Text Amendment City Planning Commission ULURP# N090239 ZRY Privately Owned Waterfront Public Access Design Standards Text Amendment**

**WHEREAS;** This Text Amendment does not change the existing requirements to provide waterfront access, however, it does offer more flexible and improved design options for access, And,

**WHEREAS;** This Text Amendment will improve the quality of these spaces, And

**WHEREAS;** There was no opposition to this application,

**THEREFORE BE IT RESOLVED,** That CB#2, Man. supports this application for this Waterfront Zoning Text Amendment City Planning Commission ULURP# N090239 ZRY Privately Owned Waterfront Public Access Design Standards Text Amendment.

Vote: Unanimous, with 32 Board members in favor.

**2. 8-12 Bond Street (Block 530, Lots 62 and 64) BSA Cal No. 195-07-BZ Board of Standards and Appeals variance Amended Application pursuant to section 72-21 to allow the construction within an MI-5B zoning district of a new seven-story building that will contain as of right transient hotel uses on floors two through seven and for which approval is sought to have hotel and retail uses (including restaurant use) below the level of the second story, where such uses are not permitted as of right. The proposed building will otherwise comply with the bulk standards for the district.**

**WHEREAS;** CB#2, Man. has had two public hearings on this application because of community concerns that the original proposal would contain too many spaces that would encourage late night parting and would place an undue burden on our community, And

**WHEREAS;** The Board has experienced serious problems with the misuse of outdoor spaces that serve liquor, And

**WHEREAS;** The Board has had specific complaints about the misuse of rooftop spaces at several hotels in our area, And

**WHEREAS;** There has been extensive growth of both population and eating and drinking establishments in this area in recent years, And

**WHEREAS;** the project has been redesigned to address these concerns, however, the board still has serious reservations, And

**WHEREAS;** The proposed second floor court yard is surrounded by residential uses and its use as an extension of the second floor lounge is likely to cause noise pollution,

**THEREFORE BE IT RESOLVED,** That CB#2, Man. conditionally supports this application providing that the following conditions are met:

1. The second floor Court Yard will be a primarily planted area not to be used for food and drink service.
2. The cellar physical culture establishment / Spa will not obtain a liquor license
3. The roof space will not obtain a liquor license and will not be used for food or beverage service.
4. There will be no amplified music in exterior spaces.

**THEREFORE BE IT FURTHER RESOLVED**, that CB#2, Man. requests that the Board of Standards and Appeals stipulate these conditions in their resolution, And,

**THEREFORE BE IT FURTHER RESOLVED**, that CB#2, Man. has no objection to other proposed uses below the level of the second floor.

Vote: Passed, with 32 Board members in favor, and 2 abstentions (M.P. Derr and R. Sanz).

**3. 31 Perry Street (Block 613, Lots 1001 and 1002) Application No. 080506 ZAM City Planning Commission Authorization pursuant to Section 13-551 of the Zoning Resolution to allow 1 enclosed accessory off-street parking space on the ground floor of a single family residence, located in an R6 residence district.**

**WHEREAS;** The area was posted and there was no opposition to this application, And

**WHEREAS;** CB#2, Man. unanimously approved the Landmarks Preservation application that was filed in conjunction with this application, And

**WHEREAS;** The granting of this permit will have little, if any, impact on local parking and traffic flow, And

**WHEREAS;** The Board regrets the passing of the theater, however, the Board also recognizes the quality of the restoration of this building, And

**THEREFORE BE IT RESOLVED**, That CB#2, Man. supports this application for 31 Perry Street (Block 613, Lots 1001 and 1002) Application No. 080506 ZAM City Planning Commission Authorization pursuant to Section 13-551 of the Zoning Resolution to allow 1 enclosed accessory off-street parking space on the ground floor of a single family residence, located in an R6 residence district.

Vote: Unanimous, with 34 Board members in favor.

## **NEW BUSINESS**

### **Construction at 2 Cooper Square**

**Whereas**, as a result of many construction site issues and locations of concern in our district, and our concern for overall safety and livelihood and protections provided by union membership; and

**Whereas**, community members and union members have raised concerns regarding the construction at 2 Cooper Square by non-union labor; and

**Whereas**, non-union workers do not enjoy the benefits and wages afforded to union workers including, but not limited to a salary in accordance with a prevailing wage scale and health and retirement benefits and may not receive mandated safety training; and

**Whereas**, it has come to the attention of CB#2, Man. that many of the non-union construction workers employed at the construction site are paid far below the prevailing wage scale and do not receive health and retirement benefits or mandated safety training;

**Therefore, be it resolved** that CB#2, Man. urges the developer of the site to meet with representatives of the relevant unions in an effort to assist those construction workers who are presently employed at the site and seek to join a labor union, so that said workers may receive all of the benefits that unionized construction workers enjoy, and;

**Be It Further Resolved**, urging the developer to engage in said efforts without causing any negative impact upon those construction workers presently employed at the site; and

**Be It Further Resolved**, urging the developer to ensure that those construction workers presently employed at the site receive the necessary safety training and adhere to the requisite safety standards, regardless of the outcome of these discussions.

Vote: Passed, with 19 Board members in favor, 6 in opposition and 10 abstentions.

Respectfully submitted,

Susan Kent  
Secretary  
Community Board #2, Manhattan